

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

NOTE :— There is one Extraordinary issue to the Official Gazette, Series I No. 19 dated 11-8-94 namely Extraordinary dated 11-8-94 from pages 355 to 356 regarding Notification from Power Department.

Department of Labour

Notification

21/6/89-LAB

### GOVERNMENT OF GOA

Industries Department

Notification

19-44-70-IND

Whereas certain draft rules further to amend the Goa, Daman and Diu State-aid to Industries Rules, 1968 were published as required by sub-section (3) of section 7 of the Goa, Daman and Diu State-aid to Industries Act, 1965 (Act 15 of 1965), at page 1 of the Official Gazette, Series I No. 1 dated 7-4-1994, under Notification No. 19-44-70-IND dated 21-3-1994 of the Industries Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby till 30 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 7-4-1994;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore in exercise of the powers conferred by section 7 of the Goa, Daman and Diu State-aid to Industries Act, 1965 (Act 15 of 1965), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu State-aid to Industries Rules, 1968, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State-aid to Industries (Second Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 15.*— In sub-rule (3) of rule 15 of the Goa, Daman and Diu State-aid to Industries Rules, 1968, in clauses (a) and (b), for the word and figures "Rs. 5,000/-", the word and figures "Rs. 20,000/-", shall be substituted.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Industries).  
Panaji, 27th July, 1994.

The following draft of rules which the Government of Goa proposes to make in exercise of powers conferred by section 13 read with section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986), is hereby pre-published as required by sub-section (1) of the said section 18 of the Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 30 days from the date of publication of this Notification in the Official Gazette.

Any objections and suggestions to the said draft may be forwarded to the Under Secretary to the Government of Goa, Labour Department, Secretariat Annexe, EDC House, Panaji, before the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

### DRAFT RULES

In exercise of the powers conferred by section 13 of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Child Labour (Prohibition and Regulation) Rules, 1994.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986);

(b) "Board" means the Medical Advisory Board constituted under rule 12;

(c) "Form" means the forms appended to these rules;

(d) "Government" means the Government of Goa;

(e) "Register" means the register required to be maintained under section 11 of the Act;

(f) "Schedule" means the Schedule appended to the Act;

(g) "Section" means a section of the Act;

(h) The words and expressions used but not defined in these rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. *Restriction for employment of children in certain occupation.*—No child shall be allowed or permitted to work in any of the occupation as specified in the Part 'A' and Part 'B' of the Schedule appended to the Act.

4. *Hours of work.*—(1) No child shall be employed or permitted to work in an establishment or class of establishments to which Part III of the Act applies, for more than five and a half hours in any day.

(2) No child shall be required or allowed to work on a day of rest fixed for him.

5. *Employer to display a notice of hours of work.*—Every employer of an establishment to which Part III of the Act applies, shall display a notice of hours of work in English and in a language understood by the majority of workers at conspicuous place in the establishment.

6. *Normal working day.*—Every child employed in an establishment or occupation as specified in the Part III of the Act shall be allowed to work more than 3 hours continuously in case of morning shift and two and a half hours in case of evening shift before he has an interval of rest in case of morning shift for two hours and in case of evening shift one hour which shall constitute a normal working day.

7. *Working hours of the child.*—(1) Subject to such agreement as may be arrived at between the establishment and working child employed in that establishment, the period of work of working child which shall be so fixed that no working child shall work for more than three hours continuously in any normal working day without any interval of rest.

(2) No child shall be allowed or permitted to work between 7.00 p.m. and 1.00 a.m.

8. *Restriction for overtime.*—No child shall be allowed or permitted to work overtime during the normal working day.

9. *Wages on holidays.*—(1) A working child shall be entitled to wages on all holidays as well as for the weekly day of rest as if he was on duty.

(2) If a working child is required to attend on a holiday, a compensatory holiday shall be given to him within 30 days immediately following the holiday, on a day mutually agreed upon by him and his employer.

10. *Notice of employment to the inspector.*—Every employer of establishment in which the child was/is employed or permitted to work shall send a notice thereto, to the inspector having jurisdiction over the area in Form 'A'.

11. *Health and Safety.*—The Government shall constitute a Medical Advisory Board for consultation regarding matters connected with the provision of medical facilities to be provided for children employed or permitted to work in any establishment or class of establishment.

12. *Composition of Advisory Board.*—The Advisory Board shall consist of—

- (i) The Secretary to Government in the Labour Department who shall be the Ex-Officio Chairman of the Advisory Board;
- (ii) The Director of Health Services, Directorate of Health Services of the Government;
- (iii) Two representatives of the employers to be nominated by the Government;
- (iv) Two representatives of the employees to be nominated by the Government;
- (v) The Commissioner of Labour, Office of Commissioner of Labour of the Government who shall be the Convenor of the Advisory Board.

13. *Term of office of the Members.*—(1) A non-official member of the Advisory Board shall hold office for a period of three years from the date of nominations unless he resigns his office or removed from office by the Government for reasons to be recorded in writing.

(2) The non-official members of the Advisory Board nominated to fill casual vacancy, shall hold office for the remaining period of the term of office of the members in whose place he is nominated.

14. *Resignation.*—(1) A member may resign his office by writing under his hand addressed to the Chairman of the Board.

(2) The resignation given by a member under sub-rule (1), shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation, whichever is earlier, by the Chairman of the Board.

15. *Cessation of Membership.*—If a member,—

- (i) is absent without leave of the Chairman of the Board for three or more consecutive meetings of the Board; or
- (ii) is of unsound mind and stands so declared by a competent court; or
- (iii) is or has been convicted of any offence which in the opinion of the Government, involves moral turpitude; or
- (iv) is an undischarged insolvent.

16. *Travelling allowances for the member.*—Every non-official member shall be entitled to draw travelling allowances at the rate applicable to Grade I officer of Government for journeys performed for attending the meetings of the Advisory Board.

17. *Time and place of meeting.*—The Advisory Board shall meet at such times and places as the Chairman may fix in this behalf once in six months:

Provided that on a requisition in writing from not less than one half the members, the Chairman shall call a meeting within 7 days from the date of the receipt of such requisition.

18. *Notice of meeting.*—The Convenor of the Advisory Board shall give atleast ten days notice to every member of the Advisory Board of the time and place fixed for each meeting alongwith the list of business to be transacted at the said meeting:

Provided that in case of a meeting convened under proviso to rule 17, notice of only 7 days may be given to every member.

19. *Presiding at meeting.*—The Chairman shall preside at every meeting of the Advisory Board at which he is present; if, however, the Chairman is unable to attend a meeting, any member elected by the members present among themselves shall preside at the meeting.

20. *Quorum.*—One third of the total number of members of the Advisory Board shall form a quorum and at least one representative each of both the employers and the employees are present for transacting business at a meeting of the Board. If at the time appointed for the meeting, a quorum is not present, the member presiding shall, wait for thirty minutes and if within such period there is a quorum, proceed with the meeting; but within such period there is no quorum, the person presiding shall adjourn the meeting to such hour on some future day as he may fix.

21. *Decision by majority.*—All recommendations and advice shall, unless otherwise specially provided, be decided by a majority of decision of the members present, and in the event of inequality of decision, the Chairman, or in absence of the Chairman, the presiding member at the meeting as the case may be, shall have final say in the matter.

22. *Power and functions of the Advisory Board.*—(1) The Advisory Board shall advise the Government as regards the standard of medical facilities to be provided by the employers under rule 23.

(2) The Advisory Board shall consider and report on any matter connected with the provision of medical facilities which may be referred to by the Government or the Chairman of the Advisory Board.

23. *Medical facilities.*—(1) At every establishment, where children are employed, First-aid Box containing necessary equipment shall be provided. Every first-aid Box shall be clearly marked "First-aid" and shall be kept stocked and in good order.

(2) At every establishment where more than 100 children are employed, a dispensary shall be provided and maintained with equipment and drugs as the Government may direct.

(3) The dispensary shall be in charge of a qualified medical practitioner assisted by such staff as the Government may direct.

(4) The dispensary shall have a floor area of at least 100 sq. mts. and smooth, hard and impervious

walls and floor and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be provided.

24. *Register to be maintained under section 11 of the Act.*—(1) Every occupier of an establishment shall maintain a register in respect of the children employed or permitted to work at establishment in Form B.

(2) The register shall be maintained on yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

25. *Certificate of age.*—(1) All young persons in employment in any of the occupation set forth in Part A of the Schedule to the Act or in any workshop wherein in any of the processes set forth in Part 'B' of the Schedule is carried on, shall produce a certificate of age from the appropriate medical authority wherever required to do so by an inspector.

(2) The certificate of age referred to sub-rule (1) shall be issued in Form 'C'.

26. A Medical Health Authority having jurisdiction over the area where the establishment or occupation is being carried out, shall be appropriate medical authority for the purpose of deciding the dispute as to age of child under section 10 of the Act. The Medical Health authority before giving any decision, shall hear the concerned party or give them opportunity of being heard and a certificate issued by the such Medical Health Authority shall be final and binding on the parties.

27. The charges payable to the Medical Health Authority for issue of such certificate shall be the same as prescribed by the Government, as the case may be, for their respective Medical Board.

28. The Charges payable to the Medical Health Officer or Medical authority shall be borne by the employer of the young persons whose age is under question.

*Explanation:*—For the purposes of sub-rule (1), the appropriate Medical authority shall be a Government Medical Officer not below the rank of Medical Health Officer or an officer of equivalent rank employed on a regular basis in Employees State Insurance dispensaries or hospital.

29. *Abstract of the Act.*—An Abstract of section 3 and 14 of the Act shall be displaced in Form 'D' appended to these rules.

#### FORM 'A'

(See rule 10)

Notice to be sent by the occupation of an establishment to the Inspector

- (i) Name and locality of the Establishment;
- (ii) Name of the person in actual management of the Establishment;
- (iii) Address to which communication to be sent;
- (iv) Nature of occupation or process carried on in the Establishment;

Place:

Date:

To

The Inspector

Signature of occupier

## FORM 'B'

(See rule 24)

Year

Name and address of employer ... Place of work ...

## Nature of work being done by the Establishment

Sr. No.	Name of child	Father's name	Date of Birth	Permanent address	Date of joining Establishment	Nature of work on which employed	Daily hours of work	Interval of rest	Wages paid	Remarks
1	2	3	4	5	6	7	8	9	10	11

## FORM 'C'

(See rule 25)

## Certificate of Age

Certificate No.

I hereby certify that I have personally examined Master/Kumari ... son/daughter of ... residing at ... and that he/she completed his/her fourteenth year and his/her age, as nearly as can be ascertained from my examination is ... years (completed). His/her descriptive marks are ...

(Thumb impression/signature of child ...)

Place:

Date:

Medical Authority  
Designation

## FORM 'D'

(See rule 29)

Abstract of sections 3 and 14 of the Child Labour (Prohibition and Regulation) Act, 1986

3. *Prohibition of employment of children in certain occupation and processes.*—No child shall be employed or permitted to work in any occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the schedule is carried on:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from Government.

4. *Penalty.*—(1) Whoever employs any child or permit any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever —

- (a) fails to give notice as required by section 9; or
- (b) fails to maintain a register as required by section 11 or makes any false entry in any such register; or
- (c) fails to display a notice containing an abstract of section 3 and this section as required by section 11, or
- (d) fails to comply with or contravenes any other provision of this Act or the rules made thereunder, shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 21st July, 1994.